IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.61127-M of 2006
Date of Decision:- 19.02.2007

Ajay Kumar ....Petitioner(s)

through
Mr.J.S.Bains, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who was convicted under Section 364 (A) and 307 IPC for kidnapping and abducting a child aged about 10-11 years for ransom, is aggrieved at the order dated 22.8.2006 passed by the Government of Punjab whereby his case for pre-mature release has been turned down on the ground that the offence committed by him falls within the category of "heinous crimes" and as such, he is required to undergo 12 years' actual imprisonment and 18 years in total to secure the pre-mature release.

The petitioner's contention, however, is that the offence attributed to him does not fall within the "heinous crime", therefore, his case requires reconsideration.

After hearing learned counsel for the parties, this petition is disposed of with liberty to the petitioner to submit a fresh application along with supporting material including a specific reference to the Government policy, if any, in terms whereof it is claimed by him that the offence committed by him does not fall within the category of "heinous crime".

If any such application is made by the petitioner and if *prima facie* it is established that the offence attributed to him is not included in the category of "heinous crime", the Competent Authority is directed to reconsider his case strictly in accordance with the Government policy and the law. The needful shall be done by the Competent Authority within a period of three months from the date of receipt of such an application.

February 19, 2007 **(SURYA KANT)**
poonam **JUDGE**